



OFFICE OF THE GOVERNOR

May 25, 2007

Mr. Michael J. Aguirre
San Diego City Attorney
Office of the City Attorney
City of San Diego
1200 Third Avenue, Suite 1620
San Diego, California 92101-4178

Dear Mr. Aguirre:

Thank you for your letter of May 17, 2007. First, let me commend you on your efforts and goal of protecting the public safety of San Diegans. The Governor's Office shares your concern not only for the safety of all residents and visitors to the City of San Diego, but for public safety throughout California. Every citizen and visitor to the State of California must be assured of a safe, efficient and dependable transportation system, including our aviation transportation system.

The expertise of the Federal Aviation Administration (FAA) plays a key role in ensuring safe operations in the airspace above and around our airports. The Legislature has incorporated that expertise into the provisions of the State Aeronautics Act, which integrates aviation into our transportation system on a regional, statewide and national basis. The State Aeronautics Act is specifically intended to promote aviation safety and expressly recognizes that structures should not be constructed at a height exceeding the FAA airspace obstruction standards. While land use decisions largely rest with local and regional governments, aviation safety concerns should be addressed in those decisions, including consideration of specific concerns raised by agencies with special expertise, such as the FAA. The Legislature has provide a further "safety net" by expressly providing that projects exceeding FAA standards cannot proceed without a permit from the California Department of Transportation. No such permit has been issued. The Department has repeatedly expressed its concerns to the City and was included by your office in the pending lawsuit.

As the California Department of Transportation is a named defendant in the City's lawsuit, it not appropriate for the Governor to intervene in this matter. In your letter, you request that the Governor direct the California Attorney General to join in the City's lawsuit. As the

Mr. Michael J. Aguirre
May 25, 2007
Page 2

Attorney General is an independent constitutional officer, it is more appropriate for your office to make direct contact with the Attorney General's Office. I am certain Attorney General Edmund G. Brown Jr. will carefully consider any request for such legal assistance.

Sincerely,

A handwritten signature in cursive script, reading "Andrea Lynn Hoch". The signature is written in dark ink and is positioned above the printed name and title.

ANDREA LYNN HOCH
Legal Affairs Secretary